

Who should attend

This program will review the current issues before the Board of Industrial Insurance Appeals. The seminar is designed for the general practitioner, claims manager, or lay representative with basic to intermediate skills in workers' compensation.

Reference manual

The speakers have prepared a reference manual specifically to accompany their presentation. You may order the conference materials by mailing in the registration form with a check for \$25.

Refunds/Cancellations:

Request for refund must be submitted in writing and postmarked by October 3, 2002. Refunds are **not** available after October 3, 2002, but a substitute may attend. Advance notification of change is appreciated.

Parking: Parking is \$6 in the Hilton Conference Center Parking Building

Lodging

Individual reservations may be made by calling 1-800-HILTONS, asking for the SEA-TAC Hilton. A block of rooms have been set aside for seminar participants. Be sure to mention **Board of Industrial Insurance Appeals** when you call.

Phone/Walk-In Registration

No phone registrations. Walk-in registrations will be accepted on a space available basis.

Accommodations for disabilities



If you have a disability that may impact your participation in this seminar, please indicate how we may assist you. We cannot ensure the availability of appropriate accommodation without prior notification of need.

WORKERS' COMPENSATION:
Current Issues and Practice
October 25, 2002
Hilton Hotel, SeaTac
7.5 CLE
Including 1.75 Ethics Credit

BOARD OF INDUSTRIAL INSURANCE APPEALS
PO BOX 42405
OLYMPIA WA 98504-2401

Presented by:
**Board of Industrial
Insurance Appeals**

WORKERS' COMPENSATION: Current Issues and Practice



**October 25, 2002
Hilton Hotel, SeaTac
Conference Center**

7.5 CLE
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Workers' Compensation: Current Issues and Practice

October 25, 2002- Hilton Hotel, SeaTac

8:30 a.m. Welcome - Program Overview

8:45 a.m. Significant Decisions Update

David Threedy, Executive Secretary

Steve Allison, Assistant Chief IAJ-Review

Update of recent Significant Decisions of the Board of Industrial Insurance Appeals and their impact on the body of workers' compensation law.

9:30 a.m. - 10:30 a.m.

Session 1

A **Proving Proximate Cause** - Loretta Vosk, IAJ

Judge Vosk reviews some of the more interesting and challenging causation issues arising in Board and appellate decisions.

B **Workplace Violence - Workers' Compensation Implications** - John Fairley, IAJ

Violence in the workplace has become an increasingly prevalent fact of industrial life. This topic will address the workers' compensation implications of injuries caused by violence, both for the victim and the perpetrator of such violence. When is a worker "acting in the course of employment," and at what point do the actions of a worker constitute an abandonment or deviation from the course of employment? When is an injury the result of the "deliberate intention" to produce the injury, and what special rules apply to third party actions for intentional injuries?

C **Cockle v. Department of Labor & Indus.**
142 Wn. 2d 801 (2001): Development, post-decision cases and theories, and Board jurisdiction. - Carroll Rusk, Assistant Chief IAJ

Tracing the history of the case from the Board to the Supreme Court, summarize the treatment of the case at the Board and in the courts since it was published, with an eye toward what room the Court left for follow-on expansion of RCW 51.08.178's definition of "wages." The Board's current policies concerning jurisdiction over so-called "Cockle" appeals will also be summarized.

D **Summary Judgment Motion Practice** - J.E. Sullivan, IAJ

Motions for summary judgment can resolve some or all of the issues on appeal, prior to hearing. Save yourself and your client time, money (and pre-hearing jitters) by examining the successful basics of summary judgment motions pursuant to CR 56.

10:45 a.m. to 11:40 a.m.

Session 2

A **AMA Guides to the Evaluation of Permanent Impairment: Application under the Industrial Insurance Act and Use at the Board** - Tony Canorro, IAJ

The session will include an overview of the American Medical Association's Guides to the Evaluation of Permanent Impairment, a discussion of how impairment ratings made under the Guides apply to disability ratings under Washington's Industrial Insurance Act, and a review of how the Board has used the Guides in appeals.

B **Coping with the Complex Case: A Retrospective of the WalMart Decertification Appeal** - Ward Rathbone, IAJ

A review and discussion of the problems confronting the parties in the unusually challenging appeal, with comments and suggestions from the perspective of the IAJ that cover the range from filing an appeal to post-hearing procedure.

C **Cockle v. Department of Labor & Indus.**
142 Wn. 2d 801 (2001): Development, post-decision cases and theories, and Board jurisdiction. (Repeat Session) - Carroll Rusk, Assistant Chief IAJ

D **WISHA Update** - Judy Klayman, IAJ

A discussion of WISHA litigation topics and a summary of Washington appellate and Significant Board Decisions issued during the last 10 years.

11:45 p.m. - 1:15 p.m.

Lunch Provided

Large Group Presentation

911 - A Workers' Compensation Perspective

Robert R. Snashall, Chair, New York State Workers' Compensation Board

1:15 p.m. - 3:00 p.m. Panel Discussion:

Ethics of Board Practice

The panel will discuss ethical issues that arise during the course of an appeal at the Board. Specific hypotheticals will address various situations in mediation, hearings, and during the review and final Board Decision and Order process.

3:00 p.m. - 3:15 p.m. Remarks - Jim Sherry, Chair, Judicial Staff Training Committee

3:30 p.m. to 4:30 p.m.

Session 3

A **AMA Guides to the Evaluation of Permanent Impairment: Application under the Industrial Insurance Act and Use at the Board** - (Repeat Session) Tony Canorro, IAJ

B **Hearing Loss** - Ann Silvernale, IAJ

Overview of the law pertaining to hearing loss. Discussing legal and pending decisions that may change hearing litigations before the Board.

C **Proving Proximate Cause** (Repeat Session) - Loretta Vosk, IAJ

D **Alternatives to Hearings** - Jim Sherry, IAJ

This session will include an overview of the various dispute resolution alternatives to hearings at the Board, complete with practice tips for practitioners. The primary focus will be on the Board's settlement conference and mediation processes, but other alternative resolution mechanisms, including submission for decision based on stipulated facts and/or testimony, Board Commissioned Examinations, and Summary Disposition, will also be discussed.

Workers' Compensation:

Current Issues and Practice

October 25, 2002

Advance registration is required. Registration is limited to the first 360 applicants. Course tuition includes lunch and materials.

Tuition: \$105 for all participants

Manual only: \$25

A separate registration form is required for each registrant, although payment for multiple registrants may be made with a single check.

Name: _____

Address: _____

Phone: () _____

Send check with this completed form to:

Board of Industrial Insurance Appeals
CLE
PO Box 42405
Olympia WA 98504-2405

Please indicate your 1st and 2nd choices for each Session.

Session 1

1st Choice _____

2nd Choice _____

Session 2

1st Choice _____

2nd Choice _____

Session 3

1st Choice _____

2nd Choice _____